Mr. Krishnaswamy Rao.—I beg to move that in section 1, the words '1st Chingom 1074' be inserted after 'on.'

Seconded by Mr. Thanu Pillai.

Carried.

Mr. Krishnaswamy Rao.—I beg to move that the Bill as now amended be passed.

The motion was put and agreed to.

THE ABKARI REGULATION AMENDMENT BILL.

Mr. Thanu Pillai.—I beg to move that the Bill be taken up for consideration.

Seconded by Mr. Prince.

Carried.

Mr. Thanu Pillai.—I will now proceed with the amendments of which I have given notice.

Section 3, Clause (3).

After 'clause (*b*),' add the words 'to exercise all the powers and to perform all the duties of a Division Peishcar under this Regulation.'

These words, the Council might remember, were in the original Bill but were omitted by the Select Committee. Section 4, clause (*b*), provides for Government appointing an officer to exercise all or any of the powers and to perform all or any of the duties of a Division Peishcar in respect of the Abkari Revenue. A Tahsildar or even a Deputy Tahsildar may have to be invested with some of the powers of a Division Peishcar and it is hardly desirable that they should be styled 'Division Peishcars.' The object of the amendment is to restrict the designation to those who are invested with all the powers of a Division Peishcar.

Seconded by Mr. Ramier.

Carried.

Section 3, Clause (13).

Mr. Thanu Pillai.—My next amendment is: 'Omit clause (13) of section 3.' The clause contains a definition of the terms 'retail' and 'wholesale.' There is no such definition in the Madras Abkari Act (I of 1886). But it occurs in and has been taken from the Indian Excise Act (XII of 1896). It has been suggested that rather than adopt a hard and fast definition, it would be better to leave it to Government to determine the quantities with reference to local conditions and other considerations. I think the suggestion is good and trust it will commend itself to the Council.

Seconded by Mr. Prince.

Carried.

Section 3, Clause (14).

Mr. Thanu Pillai.—I propose that in section 3, clause (14), the words 'to bring' be substituted for 'bringing.'

Seconded by Mr. Ramier.

Carried.

Section 11.

Mr. Thanu Pillai.—The omission of the definition of the terms 'wholesale' and 'retail' already decided upon by the Council, necessitates a slight change in section 11. The words 'larger than that specified in section 3, clause (13), in respect of such liquor or intoxicating drugs' have to be omitted, and the words 'in excess of such quantities as Our Government may, from time to time, prescribe by Notification in respect of any specified description or kind of liquor or intoxicating drug' substituted instead. The effect of this modification will be to leave it to Government, from time to time, to prescribe the minimum quantity that may be in the possession of a private individual without a license or permit.

Seconded by Mr. Prince.

Carried.

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Section 28.

Mr. Thanu Pillai.—I would omit 'Police' before 'Officer.' This is merely verbal.

Seconded by Mr. Ramier.

Carried.

Section 36, Clauses (2) and (3).

Mr. Thanu Pillai.—I would substitute the word 'Inspector' for 'Officer.' This too is merely verbal. In clause (*1*) of this section, the word used is 'Inspector' and that is the officer referred to in clauses (*2*) and (*3*).

Seconded by Mr. Ramier.

Carried.

Section 42.

Mr. Thanu Pillai.—I propose to re-cast the section as follows: "Persons so summoned shall attend as required and shall answer truly all questions relating to such inquiry put to them by such officer other than questions the answers to which would have a tendency to expose them to a criminal prosecution or to a penalty or forfeiture. Such answers shall be reduced into writing and signed by such officer. Such answers shall also be signed by such persons but shall not be used as evidence in any criminal proceeding other than a proceeding on a charge of perjury against such persons.

Provided that no prosecution for giving false evidence in respect of any statement made under this section shall be instituted without the previous sanction of Our Government."

The section in the original Bill stood thus:—"Persons so summoned shall attend as required and shall answer all questions relating to such inquiry put to them by such officer. Such answers shall be reduced into writing and shall be signed by such officer."

The Select Committee added the word 'truly' after 'answer', and the last sentence: "Such answers shall not be signed by such persons or used as evidence against the accused." The effect of the modification is that persons examined by an Abkari officer under the section are bound to answer all questions put to them and are, on the strength of their statements, liable to be prosecuted for perjury. The persons against whom such statements are made are protected, such statements being declared to be not admissible as evidence against them. It appears to me that the protection which has been accorded to the accused persons should in fairness be extended to the deponents. On the corresponding section in the Criminal Procedure Bill, now before the Viceregal Council, the Select Committee to which that Bill was referred, observe:—"It seems to us unfair that a man should be liable to be convicted of giving false evidence on the strength or by the aid of a statement supposed to have been given to a Police Officer, but which is not given on oath, which he has not signed, and which he has had no opportunity of verifying. Such statements may be hurriedly taken down as rough notes, the Police Officer is not trained in taking evidence, and the notes are often faired out by another officer. They bear no resemblance to depositions and ought to have no weight as such attached to them." These observations apply with equal force to statements taken by Abkari officers, the position and training of these officers and the circumstances under which they are expected to record the statements being more or less similar. There is however one difference. The Abkari officer is empowered to release a person arrested under section 36 (3). He may also accept compensation from the accused person under section 63 and discharge him. It is necessary therefore that the statements on the strength of which the Abkari officer passes his decision should be more formal than the notes of a Police Officer. The expediency of abolishing the direct liability for giving false evidence to an Abkari officer is also doubtful. These considerations point to the necessity of declaring the legal obligation to speak the truth, as suggested by the Select Committee. At the same time it is necessary to protect innocent persons from the ignorance, carelessness or wantonness of Abkari officers. To this end, three safeguards have been provided in the

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